

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

Ameren Transmission Company of Illinois	}	
	}	
Petition for a Certificate of Public Convenience	}	
and Necessity, pursuant to Section 8-406.1 of	}	
the Illinois Public Utilities Act, and an Order	}	
pursuant to Section 8-503 of the Public Utilities	}	Case No.: 12-0598
Act, to Construct, Operate and Maintain a New	}	
High Voltage Electric Service Line and Related	}	
Facilities in the Counties of Adams, Brown, Cass,	}	
Champaign, Christian, Clark, Coles, Edgar,	}	
Fulton, Macon, Montgomery, Morgan, Moultrie,	}	
Pike, Sangamon, Schuyler, Scott, and Shelby,	}	
Illinois.	}	

**RESPONSE TO MOTION TO FILE AND ADMIT A STIPULATION BETWEEN  
AMEREN TRANSMISSION COMPANY OF ILLINOIS AND  
FUTUREGEN INDUSTRIAL ALLIANCE, INC.**

NOW COMES the Morgan, Sangamon, and Scott Counties Land Preservation Group (hereinafter referred to as "MSSCLPG"), by and through its attorneys, Edward D. McNamara, Jr. and Joseph H. O'Brien of McNamara & Evans, and for its Response to the Motion (hereinafter referred to as "Motion") to File and Admit a Stipulation (hereinafter referred to as "Stipulation") Between Ameren Transmission Company of Illinois (hereinafter referred to as "ATXI") and FutureGen Industrial Alliance, Inc. (hereinafter referred to as "FutureGen"), states as follows:

1. MSSCLPG agrees that ATXI filed its original Verified Petition in this matter on November 7, 2012. In further response, MSSCLPG states that ATXI amended its original Petition herein by filing a Motion for Leave to File Amended Landowner List on January 7, 2013. By Notice from the Commission dated January 16, 2013, the Administrative Law Judges herein allowed ATXI's proposed amendment but ruled that ATXI's original Petition should be considered to have been completely filed "only as of January 7, 2013." Thus, the expedited timetable by which this matter is bound was reset to have begun elapsing as of

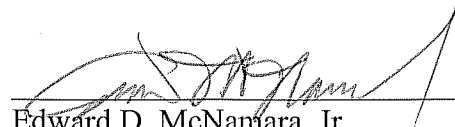
January 7, 2013, and not November 7, 2012. Accordingly, if the Motion filed herein by ATXI is granted, the Administrative Law Judges should act consistently with their January 16, 2013 ruling and reset the timetable as of the effective date of the grant of any order allowing the Stipulation.

2. Pursuant to 220 ILCS 5/8-406.1(a)(1)(B)(viii), ATXI in its initial filing hearing, identified a primary right-of-way and one alternate right-of-way. By the filing of the Motion, ATXI is in essence amending its original Petition once again, substituting as its Primary Route a portion of what had been identified as the Alternate Route, between Meredosia and Pawnee, Illinois.
3. The grant of the Motion and acceptance of the Stipulation herein would be unfair and prejudicial to potential parties that might have reviewed this matter and reached a decision to take no action based upon the allegations as to the Primary Route set forth in the Petition as currently filed. A well informed potential intervenor, having reviewed the Petition as currently filed, very well could have reasonably decided that its interests were/are aligned with those of ATXI as to the Primary Route and not intervened herein. At the very least, the Administrative Law Judges herein should issue an order to protect the public and appropriately advise the public that ATXI is now proposing a different Primary Route between Meredosia and Pawnee, Illinois.
4. The grant of the Motion herein will allow ATXI to file its rebuttal testimony in support of the Stipulated Route.
5. If ATXI wishes to once again amend its Petition and file testimony in support thereof, ATXI should file the appropriate motion to amend its Petition and file in support thereof its testimony supporting the new proposed Primary Route.

6. Even under the current circumstances of this case, bound to a schedule dictated by an expedited procedure, and considering ATXI's Petition herein to have been filed in full as of January 7, 2013, all of the parties hereto are working feverishly to meet the various deadlines while adequately expressing their respective concerns and protecting their respective interests. The sheer volume of pleadings, discovery, testimony, and otherwise, is overwhelming as is, let alone if a mid-stream shift in ATXI's preferred route were allowed. The state of the docket is quite articulately related by Commission Staff witness Greg Rockrohr, in his Direct Testimony, filed herein on March 29, 2013, as follows: "All parties appear to be working diligently to provide each other and the Commission with the best information they can within the schedule for this docket. However, due to the length of ATXI's proposed Project, and the number of interveners submitting proposals, some information about potential routes will not be thoroughly addressed in the record. My point is simply that more time for discovery and development of alternative route proposals might have led to different proposals and conclusions that are not included in the record of evidence." (ICC Staff Ex. 1.0, pp. 54-55, at 1137-1144)
7. The grant of the Motion herein will prejudice the rights of Intervenors herein, as well as potential intervenors, and should be denied.

WHEREFORE, the undersigned respectfully moves that the Motion be denied, or, in the alternative, that the Motion be treated as a motion to amend the Petition herein and that the current Case Management Order previously entered by the Administrative Law Judges be set aside and new filing dates be set by a new Case Management Order reflecting a timetable beginning with the grant of any order allowing the Stipulation, and for such other and further relief as may be required under the circumstances.

Respectfully Requested,  
Morgan, Sangamon, and Scott Counties  
Land Preservation Group,  
By and through its attorneys,

  
Edward D. McNamara, Jr.  
Joseph H. O'Brien


**VERIFICATION**

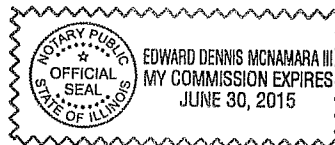
STATE OF ILLINOIS       }  
                                      } SS  
COUNTY OF SANGAMON }

Edward D. McNamara, Jr., being first duly sworn, deposes and says that he is authorized to execute this Response to Motion to File and Admit a Stipulation Between Ameren Transmission Company of Illinois and FutureGen Industrial Alliance, Inc.; that he has read the above and foregoing document, has knowledge of the facts stated therein; and herewith states that the matters set forth therein are true in substance and in fact.

Subscribed and Sworn to before me  
this 11<sup>th</sup> day of April, 2013.


  
Edward D. McNamara, Jr.

  
Notary Public



**CERTIFICATE OF SERVICE**

Edward D. McNamara, Jr., an attorney, hereby certifies that he served copies of the foregoing Response to Motion to File and Admit a Stipulation Between Ameren Transmission Company of Illinois and FutureGen Industrial Alliance, Inc. on the individuals shown on the attached Service List, via electronic mail, on April 11, 2013.

  
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